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UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

11 UNITED STATES OF AMERICA,) Case No.: SA 10-036M
12 Plaintiff,) ORDER OF DETENTION
13 vs.)
14 DANH NGUYEN,)
15 Defendant.)

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18 A. () On motion of the Government in a case allegedly involving:

19 1. () a crime of violence.

20 2. () an offense with maximum sentence of life imprisonment or death.

21 3. () a narcotics or controlled substance offense with maximum sentence

22 of ten or more years.

23 4. () any felony - where defendant convicted of two or more prior

24 offenses described above.

25 5. () any felony that is not otherwise a crime of violence that involves a

26 minor victim, or possession or use of a firearm or destructive device

27 or any other dangerous weapon, or a failure to register under 18

28 U.S.C. § 2250.

1 B. (X) On motion by the Government/() on Court's own motion, in a case
2 allegedly involving:
3 (X) On the further allegation by the Government of:
4 1. (X) a serious risk that the defendant will flee.
5 2. () a serious risk that the defendant will:
6 a. () obstruct or attempt to obstruct justice.
7 b. () threaten, injure or intimidate a prospective witness or
8 juror, or attempt to do so.
9 C. The Government () is/(X) is not entitled to a rebuttable presumption that no
10 condition or combination of conditions will reasonably assure the defendant's
11 appearance as required and the safety of any person or the community.

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13 **II.**

14 A. (X) The Court finds that no condition or combination of conditions will
15 reasonably assure:
16 1. (X) the appearance of the defendant as required.
17 (X) and/or
18 2. (X) the safety of any person or the community.
19 B. () The Court finds that the defendant has not rebutted by sufficient evidence
20 to the contrary the presumption provided by statute.

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22 **III.**

23 The Court has considered:

24 A. (X) the nature and circumstances of the offense(s) charged, including whether
25 the offense is a crime of violence, a Federal crime of terrorism, or involves
26 a minor victim or a controlled substance, firearm, explosive, or destructive
27 device;
28 B. (X) the weight of evidence against the defendant;

1 C. (X) the history and characteristics of the defendant; and
2 D. (X) the nature and seriousness of the danger to any person or the community.

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4 **IV.**

5 The Court also has considered all the evidence adduced at the hearing and the
6 arguments and/or statements of counsel, and the Pretrial Services
7 Report/recommendation.

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9 **V.**

10 The Court bases the foregoing finding(s) on the following:

11 A. (X) As to flight risk: Defendant's lack of sufficient bail resources, lack of
12 employment, strong ties to a foreign country, his lack of candor with
13 Pretrial Services, the nature of the charged offense shows Defendant is a
14 manipulative pathological liar who is willing to engage in brazen
15 fraudulent schemes and is capable of luring others to help him in his
16 schemes, and the lengthy prison sentence Defendant will serve if convicted.

17 B. (X) As to danger: The Government's proffer established Defendant is a
18 heartless financial predator and con man with a gambling addiction whose
19 victims include a bishop and nun, and that his prior criminal history include
20 convictions for fraudulent crimes of moral turpitude, all of which also show
21 the Court Defendant has learned nothing from his past offenses.

22

23 **VI.**

24 A. (X) The Court finds that a serious risk exists the defendant will:

25 1. (X) obstruct or attempt to obstruct justice.

26 2. () attempt to/ () threaten, injure or intimidate a witness or juror.

27 B. The Court bases the foregoing finding on the following: In paragraph 9 of the
28 verified complaint, the Government alleges Defendant directed one of his co-

1 conspirators to immediately change her phone number when the co-conspirator
2 informed Defendant that a victim may have realized she had been defrauded.

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4 VI.

5 A. IT IS THEREFORE ORDERED that the defendant be detained prior to trial.
6 B. IT IS FURTHER ORDERED that the defendant be committed to the custody of
7 the Attorney General for confinement in a corrections facility separate, to the
8 extent practicable, from persons awaiting or serving sentences or being held in
9 custody pending appeal.
10 C. IT IS FURTHER ORDERED that the defendant be afforded reasonable
11 opportunity for private consultation with counsel.
12 D. IT IS FURTHER ORDERED that, on order of a Court of the United States or on
13 request of any attorney for the Government, the person in charge of the
14 corrections facility in which defendant is confined deliver the defendant to a
15 United States marshal for the purpose of an appearance in connection with a court
16 proceeding.

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18 Dated: February 18, 2010

19 _____/s/ Arthur Nakazato
20 ARTHUR NAKAZATO
21 UNITED STATES MAGISTRATE JUDGE
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